

COMMITTEE ON COUNTIES, MUNICIPALITIES AND MILITARY AFFAIRS

Representative John B. Nelson, Chairman
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* Strike-everything Amendment
[E] Emergency Clause
[P 108] Proposition 108 Clause

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HB 2031 – Chapter 118 – *outdoor recreation coordinating commission; continuation

Continues the Arizona Outdoor Recreation Coordinating Commission until July 1, 2007.

HB 2054 – Chapter 102 – tax check-off; veterans' donations fund

Requires the Department of Revenue to include a space on the individual income tax return to allow a taxpayer to voluntarily designate an amount to donate from their tax refund to the Veterans' Donation Fund in taxable years beginning January 1, 2007.

HB 2056 – Chapter 256 – military support special license plates

Requires the Arizona Department of Transportation to issue military support special license plates. The Department of Veterans' Services is responsible for the costs of issuing and designing the plates. There will be an annual fee of \$25 for the plates.

HB 2059 – Chapter 119 – veterans' services; powers and duties

Modifies the powers and duties relating to the Department of Veterans' Services including property acquisition, training and contracting with non-profit organizations. In addition, the bill clarifies the eligibility requirements for a veteran to receive a deferral of tuition and fees.

HB 2060 – Chapter 90 – military airport disclosure; residential property

Requires any seller of residential real estate to provide a written disclosure prior to the transfer of title if the property is located in territory within the vicinity of a military airport or ancillary military facility as shown on a map prepared by the State Land Department, including training routes and restricted airspace.

HB 2061 – Chapter 120 – veterans; proper burial

Requires a county to notify a veterans' organization in the event that a decedent was an honorably discharged veteran whose family either declined or is unable to pay to bury the veteran. A county board of supervisors must appoint an honorably discharged veteran to oversee the final disposition of indigent veterans and their spouses if their final arrangements are coordinated through the county including burial in a veterans' cemetery.

HB 2134 – Chapter 10 – nuclear facility; emergency planning zone

States that a legal description of an emergency planning zone (the 10 mile radius surrounding a nuclear generating station) shall be prepared, executed and recorded in the office of the county recorder by the owners of a commercial nuclear generating station.

HB 2136 – Chapter 129 – *building construction; procedures

Requires a city, town or county to authorize the design and construction of a building in accordance with Title 34, Arizona Revised Statutes, relating to public buildings; assuming that bonds for such purpose were awarded at an election.

HB 2145 – Chapter 2 [E] – county island fire districts; agreements

An emergency measure that authorizes any person to petition the county board of supervisors to create a County Island Fire District (District). The bill outlines the process for forming the District and requires the surrounding city to provide emergency medical and fire services to the District. The process for determining the cost of services is included as well as authorizing the county to assess a secondary property tax on the residents of the county island to pay those costs.

- Stipulates that a city has no legal obligation to provide emergency medical or fire services to residents of the county that are not located within the boundaries of the city until a District is certified by the county board of supervisors.
- Restricts the locations where a District may be formed.

- Clarifies that property owned by a public service corporation regulated by the Arizona Corporation Commission and property owned by an agricultural improvement district are exempt from paying the city prescribed fees for emergency services.
- Makes cities and towns liable for gross negligence when providing emergency services.
- Requires cities and towns to provide workers compensation to emergency service providers when performing services in a county island fire district.
- Mandates that a District provide a three year report and five year sunset review to the legislature.
- Requires a county to enter into an intergovernmental agreement with a city for emergency fire and medical services if the county island does not form a District.
- Stipulates that a county is liable if a city that has entered into an intergovernmental agreement for providing emergency services is hindered in services as a result of negligence by the county in enforcing building, zoning or other related codes in a county island receiving emergency services.

HB 2220 – Chapter 298 – *identifying information; code enforcement officers

Protects the personal information of a Code Enforcement Officer from being released with intent to harm in the same manner as a justice, judge, commissioner, public defender or prosecutor and authorizes a Code Enforcement Officer to submit an affidavit to the county recorder, county assessor, county treasurer and the Motor Vehicle Division requesting that the general public be prohibited from accessing personal identifying information. These protections apply only to currently employed Code Enforcement Officers.

HB 2222 – Chapter 258 – *underground facilities; landlords

Requires a landlord of an apartment complex or mobile home park to register with a one-call notification center and complete underground facility marking for facilities installed after December 31, 2006 or notify an excavator that marking is unnecessary before excavation can begin.

- Requires mobile home park and apartment complex landlords (landlords) to maintain and transfer all underground plans, drawings and records with the location of all underground facilities in the property at the close of the sale of the property.
- Stipulates that an excavator who fulfills the reasonably prudent standard of care and complies with statutory conditions is not in violation of law if a landlord refuses to respond to an excavator's request for markings.
- Outlines the methods a landlord may use to mark underground facilities.
- Requires landlords to mark underground facilities beginning January 1, 2007. Requires landlords to maintain installation records for any new underground facilities installed after January 1, 2007 and exempts landlords from being required to represent underground facilities as abandoned if they were installed before January 1, 2007.
- Imposes liability on a landlord for all damages incurred by an excavator as a result of a failure by the Landlord to mark an underground facility and clarifies that a landlord is not required to mark facilities owned by a tenant.

- Stipulates that a landlord is not required to maintain, clean or unstop underground facilities owned by another person.
- Exempts a homeowner or landlord from any liability for costs or expenses resulting from damage to an underground facility owned by the homeowner or landlord but located within a public right-of-way if the damage was not caused by the homeowner's or landlord's actions.

HB 2236 – Chapter 132 – community facilities districts; counties

Removes the requirement that a Community Facilities District (CFD) be formed *for the sole purpose of financing school sites and facilities* and allows CFDs to collect an ad valorem tax and issue general obligation bonds.

HB 2348 – Chapter 24 – local warrant payment; definitions

Clarifies statutes relating to warrants and substitute checks processed by city and county treasurers, thereby allowing treasurers to handle substitute checks and warrants electronically.

HB 2349 – Chapter 206 – county assessors; property fund; continuation

Extends the repeal date of the County Assessors Property Information Storage and Retrieval Conversion and Maintenance Fund until December 31, 2011.

HB 2432 – Chapter 111 – county long-term obligations; public hearing

Requires a county board of supervisors in a county with a population of less than 500,000 to hold a public hearing before approving the issuance of revenue bonds, certificates of participation or any other long-term obligation not secured by the full faith and credit of the county.

HB 2496 – Chapter 210 – community park maintenance districts

Authorizes a community park maintenance district (District) to be formed in a single county. Current law requires a District to be located in more than one county and requires a district impact statement to be submitted to the county board of supervisors (Board) of each county and each Board must approve the creation of a District. The District is not formed until thirty days after the final Board has voted to approve.

HB 2570 – Chapter 175 – counties; census boundary program participation

Requires each county to submit precinct boundary lines for the Voting Tabulation District and Block Boundary Suggestion Program that is administered by the U.S. Census Bureau to prepare for the 2010 census.

HB 2708 – Chapter 235 – underground facilities; marking procedures.

Makes several changes to statutes relating to underground facilities marking.

- Clarifies that Homeowners' Associations that own underground sewer facilities located in a public right-of-way are not responsible for marking underground facilities.
- Prohibits a building official or political subdivision from requiring the installation of one or more sewer clean-outs for the purposes of locating an underground facility except as required by building code.
- Exempts underground facilities installed within single family residential property that are beneath a pool, permanent pool decking or a permanent building from the requirement that the facilities be installed with a detectible underground location device.
- Exempts homeowners' associations from liability for excavating in an express or implied private property utility easement under specified circumstances.

- States the liability exemption for damage to underground facilities by a homeowner or homeowners' association does not apply to any person employed by a homeowner or a homeowners' association.

HB 2725 – Chapter 176 – veterans' memorial

Authorizes the construction of a veterans' memorial on the Capitol Mall to be completed and dedicated within two years of this Act taking effect. Repeals the Act September 30, 2009.

HB 2812 – Chapter 3 – licensing procedures; cable television

Modifies the requirements for municipalities and cable operators to negotiate franchise agreements.

- Prohibits a licensing authority from levying a tax, rent, fee or charge on a cable operator for the use of public streets, roads or alleys to provide cable service.
- Limits the total rates of the license fee and any TPT (transaction privilege tax) taxes on gross revenue levied or assessed by a licensing authority to a maximum rate of five percent.
- Requires any reduction in the amount of fees, taxes or other charges paid to be passed on to subscribers.
- Prohibits a licensing authority from requiring a cable operator to provide in-kind services, make in-kind payments or pay a fee in addition to the license fee except that a licensing authority may require a cable operator to provide certain channel capacity including public access and basic tier to public facilities.
- States that the value of any channel capacity provided and of basic services provided may not be offset against the licensing fee levied.
- Allows for in-kind payments to be negotiated outside of the license agreement. If the payments are agreed to, they must be less than or equal to and offset against the license fee levied.
- Clarifies that a licensing authority may require a cable operator to bear reasonable costs associated with damage caused to public streets, roads and alleys by construction, maintenance and operation of its facilities in the highways and that are imposed on other telecommunications corporations as well as pay fines, fees, charges or damages for breach of terms and conditions of the license.
- Exempts any licenses in effect before July 1, 2007 from the limitations.
- If a license is extended or renewed and the license term begins before January 1, 2008, the limitations of TPT on gross revenue are five percent if the gross effective rate is five percent or less. If the gross effective rate is greater than five percent, a formula by year of the extension or renewal is outlined.
- Defines *gross revenue*, *gross effective rate*, *cable operator*, *cable service*, *other programming service* and *video programming* and modifies the definition of *cable television provider*.

HB 2814 – Chapter 113 – restricted air space; notification

Requires the Real Estate Commissioner to submit a document disclosing land within a county that is located under restricted air space according to the restricted air space map. These documents must be submitted to each county in Arizona which contains land under restricted air space. The notification requirements for all public reports are outlined for property located under restricted air space and issued after December 31, 2006. The restricted air space map will be posted on the Department of Real Estate's website.

SB 1011 – Chapter 355 – appropriation; Pearl Harbor Memorial

Appropriates \$69,000 to the Department of Veterans' Services from the State General Fund to be deposited in the National Pearl Harbor Memorial Fund in FY 2006-07.

SB 1032 – Chapter 181 – national guard fund; family assistance

Modifies the National Guard Relief Fund eligibility requirements to include the families of all Arizona National Guardsman mobilized in support of a contingency operation or state emergency.

SB 1043 – Chapter 356 – appropriation; Tucson veterans' home

Appropriates \$10 million in FY 2006-07 from the State General Fund to the Department of Veterans' Services to build and establish a veterans' home facility in Tucson. The appropriation is intended to be the state's share of the costs for the veterans' home facility and that no expenditures of the appropriation are to be made until the department has irrevocable commitments from United States government to provide at least 65 percent of the total costs. The appropriation is exempt from lapsing until June 30, 2008.

SB 1044 – Chapter 45 – water; wastewater; sewer; service rates

Stipulates that all proposed or mandated rates, fees or service charge adjustments or increases, as well as payments received for water or wastewater must be *just* and *reasonable*.

SB 1160 – Chapter 295 – *animal welfare; rescue; bestiality

Modifies statutes relating to bestiality, cruelty to animals and public sexual indecency.

- Places liability on an owner convicted of cruelty to animals for any expenses incurred by authorities for rescuing animals that have been cruelly treated or neglected.
- Establishes that it is a Class 6 felony to commit the act of bestiality or causing another person to engage in such an act except that the penalty is raised to a Class 3 felony if the other person is a minor.
- Allows the court to require any person convicted of committing bestiality to undergo a psychological assessment and participate in appropriate counseling at the person's expense and/or reimburse an animal shelter for the costs of treatment of animals involved in the conviction.
- Exempts the certain veterinary and animal husbandry acts from the classification of bestiality.
- Defines *animal* as any nonhuman mammal, bird, reptile or amphibian, either dead or alive.

SB 1162 – Chapter 156 – industrial development financing; procedures

Makes changes to the statutes relating to Industrial Development Authorities (IDA) including projects related to nonprofit and correctional facilities, removal of an IDA Director, contracts for the issuance of bonds and Volume Cap limits.

SB 1209 – Chapter 294 – public meetings; minutes; web site

Requires public bodies of cities and towns that have a population exceeding 2,500 persons and a website to post information relating to public meetings on their website. A technological problem or failure that either prevents the public notices does not preclude holding a meeting if all other posting notices are complied with.

SB 1255 – Chapter 36 – lot splits; fissures; recorded disclosure

Requires a seller of five or fewer parcels to note on the affidavit of disclosure if the property is subject to fissures or expansive soils if the information is known.

SB 1502 – Chapter 170 – judicial tax appeal determinations; carryover

Requires the county assessor to use the valuation or change in classification of a property for the next year's valuation if, upon judicial appeal, the property valuation is reduced. The assessor is already required by statute to use the reduced valuation or change in classification upon administrative appeal.